

Indomethacin
4852



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/147,778	04/29/99	DEL SOLBATO	P8907-9002

HM22/0926
NIKAIDO MARMELSTEIN MURRAY & ORAM
METROPOLITAN SQUARE
655 FIFTEENTH STREET NW
SUITE 330 G STREET LOBBY
WASHINGTON DC 20005-5701

EXAMINER	
TRAVERS, R	
ART UNIT	PAPER NUMBER
1617	8

DATE MAILED:

09/26/00

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The response filed on 7/17/00 electing a compound wherein R=indomethacin is non-responsive (MPEP § 821.03). Attention is directed to paper 6, filed 6/20/00, requiring an election of species for examination on the merits. To fulfill the requirements of the election, a medicament species must be elected. A disease species has been selected, but a single medicament species was not selected. Applicants must also elect a single medicament compound (one specific anti-incontinence compound) for examination on the merits. Applicants are additionally required to provide a claim directed to this single elected disease and medicament compound species, even though the requirement is traversed. Said claim must be directed to only the one elected species. A claim directed to multiple species, although containing the elected species, will not be responsive to the election of species requirement. Claims functional at the point of novelty fail to place one inventive species before the Examiner for examination on the merits. PCT application PCT/EP97/04774 did not have unity of invention. If applicants desire, Examiner will restrict the instant application employing unity of invention guidelines.

Applicant is given a ONE MONTH time limit or until the expiration of the response period set in the last Office action, whichever is longer, to complete the response. NO EXTENSION OF THIS TIME LIMIT WILL BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b) but, the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

Any inquiry concerning this communication should be directed to Russell Travers at telephone number (703) 308-4603.

RUSSELL TRAVERS
PRIMARY EXAMINER
GROUP 1200